

UNITED STATES DISTRICT COURT

for the

Middle District of Alabama

United States of America)

v.)

OMARIOUS SHARUSSELL GREEN)

Case No: 2:05cr067-WHA-01USM No: 11696-002Date of Previous Judgment: 12/6/05)

N.A.

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 100 months **is reduced to** 81 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 33Amended Offense Level: 25Criminal History Category: IIICriminal History Category: IIIPrevious Guideline Range: 168 to 210 monthsAmended Guideline Range: 70 to 87 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): The recommended amended guideline range noted above includes the 5K1.1 departure originally given to the Defendant at sentencing.

III. ADDITIONAL COMMENTS

The Court has considered the factors set forth in 18 U.S.C. § 3553(a) in making its reduction determination pursuant to 18 U.S.C. § 3582(c)(2)/Amendment 706.

Except as provided above, all provisions of the judgment dated 12/6/2005 shall remain in effect.

IT IS SO ORDERED.Order Date: July 28, 2009/s/ W. Harold Albritton

Judge's signature

Effective Date: _____
(if different from order date)

W. Harold Albritton, Senior U. S. District Judge

Printed name and title